

APR 14 2006

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

**BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING**

P.O. BOX 37200

WASHINGTON, D.C. 20013-7200

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of March 2006. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

Each listed property has been condemned by the District of Columbia Government's Board for the Condemnation of Insanitary Buildings (BCIB). The authority for this board is Title 6, Chapter 9, of the District of Columbia Code, 2001 Edition. The BCIB has examined each property and has registered with the record owner (via condemnation) a strong disapproval of the condition in which the property is being maintained. The BCIB has recorded at the Office of the Recorder of Deeds an Order of Condemnation against each property for the benefit of purchasers and the real estate industry.

These properties were condemned because they were found to be in such an insanitary condition as to endanger the health and lives of persons living in or in the vicinity of the property. The corrective action necessary to remove the condemnation order could take the form of demolition and removal of the building by the owner or the BCIB. However, most buildings are rendered sanitary, i.e., the insanitary conditions are corrected by the owner or the BCIB.

The administration of the condemnation program does not take title to property. The title to each property remains with the owner. Accordingly, inquiries for the sale or value of these properties should be directed to the owner of record. Inquiries regarding the owner or owner's address should be directed to the Office of Tax and Revenue, Customer Service, Office of Real Property Tax (202) 727-4829, 941 North Capitol Street, NE, 1<sup>st</sup> floor.

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

**BOARD FOR  
THE CONDEMNATION OF INSANITARY BUILDINGS**

**NOTICE OF PUBLIC INTEREST**

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
419 Columbia Road	132	3050	1
5109 Connecticut Avenue	48	1989	3
5109 Connecticut Avenue-Rear	48	1989	3
1323 Corcoran Street	21	240	2
412 Delafield Place	175	3251	4
410 Florida Avenue	40	507	5
1461 Florida Avenue	147	2660	1
3003 Georgia Avenue	111	3052	1
4607 Georgia Avenue	16	3015	4
4609 Georgia Avenue	17	3015	4
616 Irving Street	146	3052	1
4907 Kansas Avenue	77	3252	4
641 Keefer Place	19	3041	1
440 Kenyon Street	43	3049	1
709 Kenyon Street	806	2892	1
416 Luray Place-Rear	77	3044	1
1000 M Street	57	341	2
1006 M Street	51	341	2
37 Missouri Avenue	39	3393	4
39 Missouri Avenue	40	3393	4
1824 Monroe Street	813	2614	1
3642 New Hampshire Avenue	32	2898	1
1625 New Jersey Avenue	804	509E	5
1320 North Capitol Street	154	617	5
1424 North Capitol Street	10	616	5
1426 North Capitol Street	836	616	5
86 O Street	201	617	5
405 O Street	802	511	2
509 O Street	479	2001/2002	2
605 P Street	154	445	2
607 P Street	140	445	2
1429 Parkwood Place	62	2688	1
1430 Perry Place	28	2688	1
1427 Q Street	9	208	2
750 Quebec Place	201	3031	1
1001 Quebec Place	63	2902	4
936 Quincy Street	92	2901	4

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Cont'd)</u>			
3620 RCC Road	121	2831	1
719 S Street	38	417	1
423 Shepherd Street	38	3238	4
423 Shepherd Street-Rear	38	3238	4
815 T Street	23	393	1
333 U Street	21	3086	1
901 U Street	100	360	2
613 Upshur Street	72	3226	4
613 Upshur Street-Rear	72	3226	4
215 Whittier Street-Rear	820	3363	4
1329 Wisconsin Avenue	68	1232	2
1333 1 <sup>st</sup> Street	193	617	5
1401 1 <sup>st</sup> Street	814	616	5
1202 3 <sup>rd</sup> Street	837	523	2
1506 3 <sup>rd</sup> Street	818	521	5
1211 4 <sup>th</sup> Street	502	2026	6
1215 4 <sup>th</sup> Street	813	523	6
1221 4 <sup>th</sup> Street	848	523	2
1708 4 <sup>th</sup> Street	77	507	5
1417 5 <sup>th</sup> Street	54	511	2
1425 5 <sup>th</sup> Street	511	817	2
1427 5 <sup>th</sup> Street	818	511	2
1905 8 <sup>th</sup> Street	802	416	1
1905 8 <sup>th</sup> Street -Rear	802	416	1
1301 9 <sup>th</sup> Street	801	399	2
1303 9 <sup>th</sup> Street	62	399	2
1305 9 <sup>th</sup> Street	63	399	2
1307 9 <sup>th</sup> Street	803	399	2
1309 9 <sup>th</sup> Street	804	399	2
4529 9 <sup>th</sup> Street-Rear	49	3017	4
1715 11 <sup>th</sup> Street	10	335	2
2232 11 <sup>th</sup> Street	70	302	1
3007 11 <sup>th</sup> Street	99	2851	1
5713 13 <sup>th</sup> Street-Rear	51	2935	4
5749 13 <sup>th</sup> Street-Rear	58/818	2935	4
2208 14 <sup>th</sup> Street	30	202	1
4024 14 <sup>th</sup> Street	53	2694	4
3350 17 <sup>th</sup> Street	93	2612	1
3350 17 <sup>th</sup> Street-Rear	93	2612	1
3222 19 <sup>th</sup> Street	817	2604	1
3222 19 <sup>th</sup> Street-Rear	817	2604	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
1033-39 Bladensburg Road	807	4473	5
3027 Channing Street	54	4360	5
3042 Clinton Street	826	4319	5
1369 Florida Avenue-Rear	129	1026	6
1653 Gales Street	182	4550	6
1655 Gales Street	183	4550	6
2001-R Gales St-Rear #1	800	4525	7
2001-R Gales St-Rear #2	800	4525	7
2001-R Gales St-Rear #3	800	4525	7
2001-R Gales St-Rear #4	800	4525	7
2001-R Gales St-Rear #5	800	4525	7
2001-R Gales St-Rear #6	800	4525	7
2001-R Gales St-Rear #7	800	4525	7
2001-R Gales St-Rear #8	800	4525	7
2001-R Gales St-Rear #9	800	4525	7
2001-R Gales St-Rear #10	800	4525	7
1002 Irving Street	812	3877	5
1511 Isherwood Street	176	4544	6
303 K Street	804	775	6
4502 Lee Street	148	5155	7
1227 Meigs Place	106	4055	5
1405 Montello Avenue	28	4060	5
5706 NHB Avenue	10	5214	7
1309 North Carolina Avenue	115	1035	6
1243 Owen Place	188	4060	5
115 Riggs Road	85	3701	5
3610 South Dakota Avenue	33	4224	5
3610 South Dakota Avenue-Rear	33	4224	5
1741 Trinidad Avenue	26	4082	5
234 V Street	11	3561	5
415 W Street	41	3601	5
514 3 <sup>rd</sup> Street	54	754	6
1020 3 <sup>rd</sup> Street	34	749	6
1022 3 <sup>rd</sup> Street	33	749	6
1811 3 <sup>rd</sup> Street	7	3570	5
612 5 <sup>th</sup> Street-Rear	68	810	6
819 8 <sup>th</sup> Street	28	911	6
214 15 <sup>th</sup> Street	106	1055	6
3721 30 <sup>th</sup> Place	814	4304E	5
1322 45 <sup>th</sup> Place	25	5120	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Cont'd)</u>			
1136 47 <sup>th</sup> Place	137	5155	7
1202 47 <sup>th</sup> Place	60	5160	7
1227 47 <sup>th</sup> Place	39	5160	7
832 48 <sup>th</sup> Street	812	5150	7
1017 48 <sup>th</sup> Street	10	5153	7
1023 50 <sup>th</sup> Street-Rear (South Garage)	803	5200	7
1023 50 <sup>th</sup> Street-Rear (North Shed)	803	5200	7
109 53 <sup>rd</sup> Street	91	5243	7
311 55 <sup>th</sup> Street	78	5250	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
1523 A Street	816	1072	6
1751 A Street	63	1097	6
1751 A Street-Rear	63	1097	6
5019 A Street	5	5327	7
5055 A Street	14	5327	7
20 Bass Circle	12	5345	7
5010 Benning Road	68	5340	7
5032 Benning Road	37	5340	7
4915 C Street	28	5336	7
5201 C Street	9	5312	7
4926 Call Place	33	5336	7
4930 Call Place	32	5336	7
5000 Call Place	35	5323	7
1107 D Street	50	992	6
627 E Street-Rear	842	877	6
3118 E Street	807	5440	7
3326 Ely Place	807	5444	6
647 G Street	139	878	6
3009 G Street	807	5480	7
1239 Goodhope Road	89	3033	8
1220 Mapleview Place	811	5800	8
1909 Martin Luther King Jr	829	5770	8
1911 Martin Luther King Jr	829	5770	8
1913 Martin Luther King Jr	829	5770	8
2228 Martin Luther King Jr	810	5802	8
2234 Martin Luther King Jr	811	5802	8

## DISTRICT OF COLUMBIA REGISTER

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (Con't)</u>			
2238 Martin Luther King Jr	978	5802	8
2629 Martin Luther King Jr-East	192	5867	8
82629 Martin Luther King Jr-West	192	5867	8
2759 Martin Luther King Jr.	802	5982	8
2759 Martin Luther King Jr.-Rear	802	5982	8
917 New Jersey Avenue	15	738	6
919 New Jersey Avenue	16	738	6
921 New Jersey Avenue	17	738	6
923 New Jersey Avenue	18	738	6
1008 South Carolina Avenue	23	970	6
1225 Sumner Road	980	5865	8
821 Virginia Avenue	6	929	6
1242 W Street	99	5782	8
1518 W Street	814	5779	8
1708 W Street	154	5778	8
1122 1 <sup>st</sup> Street	58	743N	6
4010 3 <sup>rd</sup> Street	806	6167	8
4014 3 <sup>rd</sup> Street	804	6167	8
3020 7 <sup>th</sup> Street	50	5953	8
3009 8 <sup>th</sup> Street	814	5953	8
3009 8 <sup>th</sup> Street -Rear	814	5953	8
102 9 <sup>th</sup> Street	801	943	6
911 12 <sup>th</sup> Street	19	969	6

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
78 Darrington Street-Rear	23	6223S	8
71 Forrester Street	67	6240	8
157 Forrester Street	803	6240	8
10 N Street	60	653	6

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

## BOARD FOR

## THE CONDEMNATION OF INSANITARY BUILDINGS

## NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs, in accordance with section 742 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, as amended, D.C. Code section 1-1504 (1999 Repl.), hereby gives notice that the Board for the Condemnation of Insanitary Buildings' (BCIB) regular meetings will be held on the dates listed below for calendar year 2006, (the second and fourth Wednesday of each month). The meetings will begin at 10:00 a.m. in Room 7100 of 941 North Capitol Street, NW, Washington, D.C. 20002.

2006

January 11th  
January 25th

July 12th  
July 26th

February 8th  
February 22nd

August 9th  
August 23rd

March 8th  
March 22nd

September 13th  
September 27th

April 12th  
April 26th

October 11th  
October 25th

May 10th  
May 24th

November 8th  
November 22nd

June 14th  
June 28th

December 13th  
December 27th

\* \* \* \* \*

These regularly scheduled meetings of the BCIB are open to the public. Please call the Building Condemnation Division on (202) 442-4322 or 442-4486 for further information or for changes in this schedule.

APR 14 2006

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

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The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of proposed action taken at its April 5, 2006 meeting in relocating Precinct #107, Ward 7 Polling Place.

The public is advised that the proposed voting area for Precinct #107 will be changed from:

**Sousa Middle School  
3650 Ely Place, S.E.  
Multi-Purpose Room**

and moved to:

**Our Lady Queen of Peace Church  
3740 Ely Place, S.E.  
Church Hall**

The precinct change will provide adequate space to accommodate voters on election day. Further, the precinct is accessible and will accommodate voters with disabilities. **This action will be effective beginning with the upcoming September 12, 2006, Primary Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-2525 **no later than Monday, May 1, 2006** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, May 3, 2006. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board's Final action.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.



DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

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The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of proposed action taken at its April 5, 2006 meeting in relocating Precinct #80, Ward 7 Polling Place.

The public is advised that the proposed voting area for Precinct #80 will be changed from:

**St. Benedict the Moor Church  
320 21<sup>st</sup> Street, N.E.  
Imperial Room**

and moved to:

**St. Benedict the Moor Church  
320 21<sup>st</sup> Street, N.E.  
Quander Room**

The precinct change will provide adequate space to accommodate voters on election day. Further, the precinct is accessible and will accommodate voters with disabilities. **This action will be effective beginning with the upcoming September 12, 2006, Primary Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-2525 **no later than Monday, May 1, 2006** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, May 3, 2006. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board's Final action.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

**FRIENDSHIP PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****BORROWER'S COUNSEL**

Interested parties shall respond to this RFP by submitting (4 copies, 1 original inclusive) sealed qualification statements and by addressing the specific proposal requirements, as requested in this RFP in an envelope clearly marked "RFP – BORROWER'S COUNSEL SERVICES FOR FRIENDSHIP PUBLIC CHARTER SCHOOL" to:

Ms. Valerie Holmes  
Friendship Public Charter School  
701 E Street SE  
Washington DC 20003

By no later than: 4:00 PM on April 21, 2006

**Introduction**

FPCS is soliciting proposals and qualification statements from providers of borrower's counsel services for tax-exempt bond financing. A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Friendship Public Charter School Inc. ("Friendship") reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

**Project Scope**

**PROVIDE BORROWER'S COUNSEL SERVICES TO FRIENDSHIP PUBLIC CHARTER SCHOOL – 900 PENNSYLVANIA AVENUE, SE, WASHINGTON, DC.**

It is the intent of this RFP to select a law firm which can provide insurance borrower's counsel services for up to three tax-exempt bond financings over the next 1 to 3 years.

**Proposal Requirements**

Proposals shall include, at a minimum, the following information organized as follows in their qualification statement:

1. A brief discussion of the law firm, its history, and services offered;
2. Resumes of the attorneys to provide the services
3. Names and contact information of at least three non-profit clients
4. Proposed engagement letter with fees and estimated hours and maximum cost for the first year of services.

Law firms must meet the following qualifications:

Tax-exempt financing clients must include at least one charter school in the District of Columbia

Please address the proposal to:

Ms. Catherine Somefun  
Chief Financial Officer  
701 E Street SE  
Washington, DC 20003

For further information, contact Ms. Valerie Holmes at (202) 675-6935 or e-mail at [vholmes@friendshipschools.net](mailto:vholmes@friendshipschools.net).

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code §1.1506, and 20 DCMR § 206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, DC intends to issue a permit to operate aggregate unloading conveyor equipment at Maryland Rock located at 2 S Street, SW, Washington DC 20024..

The applications to operate the unloading equipment and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:A. M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Olaniyan Tajudeen, at (202) 535-2998.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington D.C. 2002. **No written comments postmarked after May 14, 2006 will be accepted.** The written comments must also include the person's name, telephone number, affiliation, if any mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Olaniyan Tajudeen at (202) 535- 2998.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH

**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code §1.1506, and 20 DCMR §206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, DC intends to issue a permit to construct a Modified Boiler Systems consisting of the following significant components:

- A. Installation of Model WB-1-22 Low NO<sub>x</sub> burner package for natural gas and No. 2 fuel oil for Boiler CU-1.
- B. Installation of new Flue Gas Recirculation ducts for Boiler CU-2 and Boiler CU-4
- C. Replacement of Boiler CU-1 damper
- D. Replacement of Boiler CU-1 sootblower system
- E. Installation of new opacity monitors Model 1000 MPD for Boiler CU-2 and Boiler CU-4
- F. Installation of a Continuous Emission Monitoring Systems (CEMS) with the following components:
  - 1. Model 42C-HI NO-NO<sub>2</sub> NO<sub>x</sub> Analyzer;
  - 2. Model 48C Gas Filter Correlation CO Analyzer;
  - 3. Siemens Model 6E Gas Analyzer for the determination of oxygen; and
  - 4. Model 400 Opacity Monitor

The construction will take place at the Central Power Plant of the DC General Hospital (DCGH) located at 19<sup>th</sup> & Massachusetts Avenue, S.E., Washington, in the District of Columbia.

The application and the proposed permit for the construction activities indicated above are available for public inspection at AQD offices and copies may be obtained between the hours of 8:00 am and 4:45 pm Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any to John C. Nwoke, at (202) 724-7778.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after May 14, 2006 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact John C. Nwoke at (202) 724-7778.

D.C. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENTNOTICE OF DETERMINATION OF INCOME LIMITS

The D. C. Department of Housing and Community Development, pursuant to the authority in Chapter 25, Title 14, DCMR, Section 2510 of the rules for the Home Purchase Assistance Program (HPAP), hereby gives notice that it has established the following income limits for participation of very low income, lower income and moderate income households in the HPAP Program.

INCOME LIMITS BY PERSONS IN HOUSEHOLDS

<u>Eligibility Category</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8 or more</u>
Very Low Income	31,600	36,100	40,650	45,150	48,750	52,350	56,000	59,600
Lower Income	50,600	57,800	65,050	72,250	76,750	81,300	85,800	90,300
Moderate Income	69,550	79,500	89,400	99,350	105,550	105,550	105,550	105,550

These income limits have been determined based on the median family income of \$90,300 established by the Secretary of the U.S. Department of Housing and Urban Development for 2006, for the Washington Metropolitan Statistical Area. The amounts determined above have been calculated based on Section 2510 of the HPAP Program rules. These income limits shall be effective upon publication of this Notice in the D. C. Register.

## Department of Housing and Community Development Notice of Funding Availability

Jalal Greene, Director, Department of Housing and Community Development (DHCD), announces a Notice of Funding Availability (NOFA) for \$45 million in funding under the Community Development Block Grant (CDBG) and the Housing Production Trust Fund (HPTF) programs, administered by DHCD. CDBG and HPTF funds for this NOFA are being made available from anticipated FY 2006 budget funds. This NOFA is being conducted pursuant to the FY 2006 (October 1, 2005 to September 30, 2006) Consolidated Action Plan prepared for submission to the U.S. Department of Housing and Urban Development (HUD).

The District is interested in financing projects that focus on the following categories:

*1) Elderly Housing; 2) Special Needs Housing; 3) Preservation of Housing Affected by Expiring Federal Subsidies; 4) New/Substantial Rehabilitation of Housing (5 or more units); 5) Homeownership; and 6) Community Facilities to Serve Low to Moderate Income Persons.*

The competitive Request for Proposals (RFP) will be released on April 28, 2006 and the deadline for submission is Friday, June 23, 2006, at 4:00 p.m. E.S.T. The RFP package, including all application materials and the reference guidebook can be obtained from DHCD, Development Finance Division, 801 North Capitol Street, N.E., Washington, D.C. 20002, second floor reception desk. This material will also be available from the DHCD website, [www.dhcd.dc.gov](http://www.dhcd.dc.gov) on or about Friday, May 12, 2006.

The reference guidebook contains technical information on the CDBG and HPTF programs, as well as other information that may be useful in completing the application. **Proposals for the First Right Purchase Assistance Program will also be accepted under this RFP. However, DHCD will continue to accept additional funding requests for this program until all of these program funds have been committed.** For additional information, contact DHCD's Development Finance Division at (202) 442-7280.

**Completed applications must be delivered on or before 4:00 p.m. E.S.T., Friday, June 23, 2006 to DHCD, Development Finance Division, 801 North Capitol Street, N.E., Second Floor Reception Desk, Washington, D.C., 20002.**

### **NO APPLICATIONS WILL BE ACCEPTED AFTER THE FILING DEADLINE FOR SUBMISSION**

**A Pre-Proposal Conference will be held on Thursday, May 11, 2006, from 9:00 a.m. to 12:00 p.m., at the Department of Housing and Community Development, 801 North Capitol Street, N.E., 9<sup>th</sup> Floor Boardroom, Washington, D. C. 20002.**

Anthony A. Williams, Mayor  
Government of the District of Columbia  
Stanley Jackson, Deputy Mayor for Planning and Economic Development  
Jalal Greene, Director  
Department of Housing and Community Development

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, NW, SUITE 200 WEST,  
WASHINGTON, DC 20005

NOTICE

**FORMAL CASE NO. 1045, IN THE MATTER OF THE JOINT APPLICATION OF  
AT&T, INC., BELL SOUTH CORPORATION, AND THEIR CERTIFICATED  
DISTRICT OF COLUMBIA SUBSIDIARIES FOR APPROVAL OF MERGER**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Code Section 34-1001,<sup>1</sup> of its consideration of the Joint Application of AT&T Inc. ("AT&T"), BellSouth Corporation, and BellSouth Long Distance, Inc. ("BSLD") (collectively, "the Applicants" or "parties") for approval of a merger ("Joint Application").

2. On March 31, 2006, the parties filed a Joint Application requesting Commission approval of BSLD's application to abandon its certification in the District of Columbia, the Agreement, and the underlying Plan of Merger.<sup>2</sup> In the Joint Application, the parties explain the structure of the proposed merger, including AT&T's intent to acquire BellSouth and its subsidiaries. The Applicants attest that the proposed merger is in the public interest and the joining of the companies will enhance the telecommunications services provided in the District.<sup>3</sup> Because the parties wish to consummate this plan quickly, they have requested expedited Commission approval.<sup>4</sup>

3. The Joint Application is on file with the Commission and can be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Seventh Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the application are available upon request, at a per-page reproduction cost.

4. Comments on the parties proposed merger must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. Persons wishing to intervene in the above-captioned proceeding must do so within 15 days of the date of publication of this Notice in the *D.C. Register*. Initial comments on the Joint Application must be received within 30 days of the date of publication of this Notice in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this Notice. After the comment and reply comment periods have expired, the Commission will either take action on the Joint Application or establish a procedural schedule for further review, if necessary.

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<sup>1</sup> D.C. Code, 2001 Ed. § 34-1001.

<sup>2</sup> *Formal Case No. 1045, In the Matter Joint Application Of AT&T, Inc., BellSouth Corporation, and their Certificated District of Columbia Subsidiaries for Approval of Merger*, filed March 31, 2006 ("Joint Application"). A copy of the Merger was also filed at Exhibit B.

<sup>3</sup> *Formal Case No. 1045, Joint Application* at 7.

<sup>4</sup> *Formal Case No. 1045, Joint Application* at 6.



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Office of the Secretary of the  
District of Columbia

March 24, 2006

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after April 15, 2006.

Abul-Khalek, Najwa	New	Hotel Washington 515 15 <sup>th</sup> St,NW 20004
Allen, Maria P.	New	Cooley Godward 875 15 <sup>th</sup> St,NW 20005
Amare, Mulumebet	New	Wachovia Bank 1447 P St,NW 20005
Anastasi, Christina	New	Ashcraft & Gerel 2000 L St,NW#400 20036
Augello, Jeffrey B.	New	North Amer Title 5301 Wis Ave,NW#100 20015
Barnes, Loretta Ann	New	5528 Jay St,NE 20019
Beecher, Tanya	Rpt	Hogan & Hartson 555 13 <sup>th</sup> St,NW 20004
Bettridge, Allison	Rpt	Fragomen Attorneys at Law 1212 N Y Ave,NW#850 20005
Cain, Dawn M.	Rpt	M A R Reporting Group 1717 K St,NW#600 20006
Chamberlain, Cyana D.	New	GWU/Burns Legal Clinic 2000 G St,NW 20052

Chesley, Christina L.	New	Heritage Reporting 1220 L St,NW#600 20005
Cobb, Sonia A.	Rpt	W R A M C/#1J83 6900 Ga Ave,NW 20307
Cooper, Clifford W.	New	Womble Carlyle et al 1401 I St,NW7thFl 20005
Crelling, Linda	New	Swidler & Berlin 3000 K St,NW 20007
Curl, Lynn S.	Rpt	The Carlyle Group 1001 Pa Ave,NW 20004
Datcher, Rashan	New	The Urban Institute 2100 M St,NW 20037
Dillard, Edwina D.	New	Amer Pub Health Assoc 800 I St,NW 20001
Ebbecke, Shannon	New	Sullivan & Cromwell 1701 Pa Ave,NW 20006
Evans, Richard	New	2722 Terrace Rd,SE#597 20020
Fenwick, Ann	Rpt	D C P S/Gen Counsel Off 825 N Cap St,NE 20002
Frechette, Thomas J.	Rpt	Weidenfeld Law Firm 888 17 <sup>th</sup> St,NW#900 20006
Frost, William A.	Rpt	D O A/Rural Development 1400 Indep Ave,SW 20250
Gay, Mae W.	Rpt	Coldwell Banker 5028 Wis Ave,NW 20016
Gibson, Crystal R.	New	USLC/MBA 100Indiana Ave,NW#510 20001
Good, Colleen Patricia	Rpt	Doherty Sheridan Persian 1050 17 <sup>th</sup> St,NW#1250 20036

Gray, Irene	New	Miller Reporting 735 8 <sup>th</sup> St, SE 20003
Hamrick, Lynn L.	Rpt	M H A R R 1331 Pa Ave, NW#508 20004
Hawkins, Ann M.	Rpt	Hyatt Regency Wash 400 N J Ave, NW 20001
Hight, Lynn E.	New	Mandarin Oriental Hotel 1330 Md Ave, SW 20024
Hinton-McClam, Linda D.	Rpt	H U D/F H E C 451 7 <sup>th</sup> St, SW 20410
Hubbard, Elizabeth	New	Potts-Dupree Difede et al 900 7 <sup>th</sup> St, NW#1020 20001
Huntley, Caitlin Ann	New	George Washington Univ 2121 I St, NW#101 20052
Johnson, Katherine C.	New	King & Spalding 1700 Pa Ave, NW 20006
Johnson, Lakeca S.	New	Public Defender Service 633 Indiana Ave, NW 20004
Katz, Chester N.	New	Capitol Title Insurance 1100 17 <sup>th</sup> St, NW#503 20036
Kauthen, Sherolyn H.	New	Sullivan & Cromwell 1701 Pa Ave, NW 20006
Kidd, Denise A.	New	Sullivan & Cromwell 1701 Pa Ave, NW 20006
Kincaid, Natasha C.	New	Fidelity & Trust Bank 1725 I St, NW 20006
Knight-Sansbury, Angelia	New	SunTrust Bank 5602 3 <sup>rd</sup> St, NE 20011
MacKenzie, Lori G.	Rpt	Esquire Deposition Serv 1020 19 <sup>th</sup> St, NW 20036

McCafferty, Robert F.	Rpt	Quinn Racusin & Gazzola 1400 K St,NW#1010 20005
McGhee, Yvonne C.	New	Howrey 1299 Pa Ave,NW 20004
McIlhenny, Stacy L.	New	Skadden Arps et al 1440 N Y Ave,NW 20005
McNeil, J. E.	Rpt	4119 Garrison St,NW 20016
Martin, Rodney	New	Wachovia Bank 3200 Pa Ave,SE 20020
Mills, Maxine M.	New	Marsh USA 1255 23 <sup>rd</sup> St,NW 20037
Min, Dorothy Hae Eun	New	Dillingham & Murphy 1155 Conn Ave,NW#1120 20036
Montegut, Jacqueline E.	New	Fund for Amer Studies 1706 N H Ave,NW 20009
Obester, A. Richard	Rpt	Esquire Deposition Serv 1020 19 <sup>th</sup> St,NW#620 20006
Ownbey, Austin	New	Cleary Gottlieb et al 2000 Pa Ave,NW 20006
Patterson, Vernetta Allen	Rpt	Morgan Lewis & Bockius 1111 Pa Ave,NW 20004
Payne, Delta M.	Rpt	H E W Fed Credit Union 200 Indep Ave,SE 20201
Payne, Denise F.	New	Washington First Bank 1025 Conn Ave,NW 20036
Prout, Gwnedolyn B.	Rpt	Buchanan Ingersoll 1700 K St,NW#300 20006
Quirk, Mary	New	Natl Architectural Trust 1906 R St,NW#100 20009

Richmond, Nancy P.	Rpt	Al Betz & Associates 1875 I St,NW 20005
Ripley, Ingrid	New	HUD/GovNatlMortgage Assoc 451 7 <sup>th</sup> St,SW 20410
Roberts, III, Luther	Rpt	U S Conference of Mayors 1620 I St,NW 20006
Rodgers, Adrienne R.	Rpt	O'Melveny & Myers 1625 I St,NW 20006
Rogers, Renee M.	Rpt	CX International 1101 30 <sup>th</sup> St,NW#500 20007
Sansburry, Judy	Rpt	Smithsonian Inst/NMNH MRC 101 Rm 73 20560
Scriven, Teruko R.	Rpt	G T Univ Law Center 111 F St,NW#130 20001
Shaffer, Rick	New	Civil War Preservation 1331 H St,NW#1001 20005
Smith, Christabelle A.	Rpt	Natl Assoc/Home Builders 1201 15 <sup>th</sup> St,NW 20005
Smith, Gloria A.	New	Hogan & Hartson 555 13 <sup>th</sup> St,NW 20004
Smith, Kathy W.	New	Carlyle Group 1001 Pa Ave,NW#220s 20004
Somerville, Maxine G.	New	United Nations Foundation 1225 Conn Ave,NW 20036
Strachan, Leonard	Rpt	Public Defender Service 633 Indiana Ave,NW 20004
Taylor, Mary L.	New	Chadbourn & Parke 1200 N H Ave,NW#300 20036
Tritapoe, Tammy D.	New	Amtrak 900 2 <sup>nd</sup> St,NE#101 20002

Waldrogel, Christina M.	New	Madison Group 1730 R I Ave, NW#410 20036
Waldron, Opal L.	New	629 Kennedy St, NE 20011
Williams, Kathleen D.	New	N E A 1201 16 <sup>th</sup> St, NW 20036
Williams, Sudie	New	2814 Erie St, SE#C44 20020
Wilmoth, Cindy L.	Rpt	L A D Reporting 1100 Conn Ave, NW#850 20036

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SECRETARY OF THE  
DISTRICT OF COLUMBIAGOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE  
OFFICE OF THE SECRETARY  
OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20001

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## Memorandum Opinion

Appeal of: Simon Banks

Matter No.: MCU No. 462411

Date: March 24, 2006

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Arnold R. Finlayson, Esq., Director, Office of Documents and Administrative Issuances, participated in the preparation of this opinion.

### OPINION AND ORDER

The above-captioned matter, initiated under the authority of section 207(a) of the District of Columbia Freedom of Information Act ("D.C.-FOIA"), D.C. Official Code § 2-537(a) (2001 and 2005 Supp.),<sup>1</sup> is before the Office of the Secretary of the District of Columbia for consideration of a formal administrative appeal to Mayor

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<sup>1</sup> Pursuant to section 207(a) of the D.C.-FOIA, "[a]ny person denied the right to inspect a public record may petition the Mayor to review the public record to determine whether it may be withheld from public inspection." D.C. Official Code § 2-537(a).

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Anthony A. Williams<sup>2</sup> filed by Simon Banks who is "requesting that the [D.C. Department of Corrections] ("DOC") conduct a search of the records listed in [his] request and produce them . . . with a covering [sic] letter from 'DOC' providing what has been produced." Banks Appeal Letter ¶ 1.

The appeal letter encloses a copy of an August 26, 2005 letter from the Freedom of Information Act Officer of DOC which notifies the appellant of the receipt of two letters which "appear to be a request for permission that certain legal research CDs be allowed into the Facility so that the Law Library may maintain the CDs for [his] use." Letter dated August 26, 2005 from O. Obebe, FOIA Officer, DOC, to S. Banks.

The August 26, 2005 letter further advises the appellant that DOC did not consider his letters to

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<sup>2</sup> By Mayor's Order 97-177, dated October 9, 1997, the Secretary of the District of Columbia was delegated the authority vested in the Mayor to render final decisions on certain administrative appeals and petitions for review. Between January 7, 2005 and December 31, 2006, the Mayor's authority to review and determine administrative appeals under the D.C.-FOIA has been delegated to the General Counsel in the Executive Office of the Mayor ("EOM"). However, this matter has been referred to the Office of the Secretary for a proper disposition due to the recusal of the General Counsel of EOM.



constitute a FOIA request,<sup>3</sup> but nevertheless provided him with notice of his "right to appeal to the Mayor, or . . . seek judicial review in the Superior Court of the District of Columbia, pursuant to D.C. Office Code § 2-537 (2001) and 1 D.C.M.R. § 412." Id. At §§ 3, 5.

The instant appeal ensued.

In support of his appeal, the appellant asserts, without any explanation, that "the response of [DOC's FOIA Officer] is disingenuous and fails to comply with FOIA Requirements." Banks Appeal Letter ¶ 2.

The regulations which implement the D.C.-FOIA, in pertinent part, provide that "[a]n appeal to the Mayor shall be in writing and *shall* include:

- (a) Statement of the circumstances, reasons or arguments advanced in support of disclosure;
- (b) Copy of the original request, if any;
- (c) Copy of any written denial issued under § 407.2; and
- (d) Daytime telephone number, email address or mailing address for the requester."

1 DCMR § 412.4, 51 D.C. Reg. 10457a, 10457h (November 12, 2004) (emphasis added).

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<sup>3</sup> Copies of the appellant's letters were not a part of the record before the Office of the Secretary.

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A copy of the D.C.-FOIA's implementing regulations is attached.

In the present matter, the appellant did not comply with the mandatory requirements of 1 DCMR § 412.4 because, apart from his conclusory assertion that DOC's September 23, 2005 response was "disingenuous and fails to comply with FOIA requirements," the appeal letter neither provided any statement of the circumstances, reasons, or arguments in support of his appeal, nor did it enclose a copy of the original FOIA request[s] submitted to DOC which would have provided relevant evidence as to whether such request complied with administrative requirements.

In the absence thereof, this office is unable to make an informed decision as to whether DOC properly determined that the appellant's letters did not constitute a D.C.-FOIA request. As such, the undersigned cannot render a reasoned determination on the merits of the instant appeal.

Accordingly, the subject appeal is required to be, and hereby is, dismissed without prejudice to the appellant's right to reinstate an appeal which meets all of the requirements of 1 DCMR § 412.4.

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This constitutes the disposition of the Interim  
Secretary of the District of Columbia in this matter.

A handwritten signature in cursive script, reading "Patricia Elwood", is written over a horizontal line.

PATRICIA ELWOOD

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

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**SEED PUBLIC CHARTER SCHOOL**

**Request for Bid Proposal**

The SEED Public Charter School of Washington DC will receive bid proposals from an athletic equipment company to provide and install indoor telescopic gymnasium type bleachers. Bid proposals are being accepted until April 14, 2006. At this time, proposals will be opened in the administrative offices located at 4300 C Street SE Washington DC. Bid packets may be picked up in the main office of the school at the above address.

Paul R. Darlington  
Director of Campus Operations  
THE SEED PUBLIC CHARTER SCHOOL of Washington DC  
4300 C Street SE  
Washington DC 20019  
202-248-3006

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Appeal No. 17109-A of Kalorama Citizens Association**, pursuant to 11 DCMR § 3100 from the administrative decision of David Clarke, Director, Department of Consumer and Regulatory Affairs, from the issuance of Building Permit Nos. B455571 and B455876, dated October 6 and 16, 2003, respectively, to Montrose, L.L.C. to adjust the building height to 70 feet and to revise penthouse roof structure plans to construct an apartment building in the R-5-D District at 1819 Belmont Road, N.W., Washington, D.C. (Square 251, Lot 45) and from the issuance of the original Building Permit No. B449218, dated March 11, 2003.

**HEARING DATES:** February 17, March 9 and 16, April 6 and 20, 2004  
**DECISION DATES:** June 22, 2004, December 7, 2004, and February 1, 2005

**DATE OF DECISION ON  
MOTION FOR  
RECONSIDERATION AND  
PARTIAL REHEARING:** December 6, 2005

**ORDER DENYING  
MOTION FOR PARTIAL RECONSIDERATION AND REHEARING**

In Appeal No. 17109, the Kalorama Citizens Association ("KCA") challenged the Department of Consumer and Regulatory Affairs ("DCRA")'s decision to issue Building Permit Nos. B455571 and B455876 to Montrose L.L.C. ("Montrose"). The permits authorized Montrose to adjust the building height to 70 feet and to revise penthouse roof structure plans for a five-story apartment building ("Project") in the R-5-D Zone District, located at 1819 Belmont St., N.W. Montrose sought the permits that were the subject of the appeal after DCRA issued a stop work order on Building Permit No. 449218.

Prior to the hearing on the appeal, the Board granted KCA's motion to expand the appeal to include the decision to issue the original building permit, as well as the revised plans and related permits.

In its appeal, KCA alleged DCRA erred in issuing the permits because: the Project exceeded the maximum height and set back requirements of the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, D.C. Official Code §§ 6-601.01 to 601.09) ("Height Act"); the Project violated the roof structure set back requirements of the Zoning Regulations; and the Project exceeded the maximum Floor Area Ratio allowed by the Zoning Regulations.

The Board's final order, dated November 8, 2005, granted the appeal in part, and denied it in part. The Order explained, in detailed findings of fact and conclusions of law, that the roof deck of the building exceeded the height limitations of the Height Act, that the penthouse was properly set back in accordance with the Height Act and the applicable Zoning Regulations (11

DCMR §§411 and 400.7(b)), and that the Floor Area Ratio was within the matter of right limit permitted by the Zoning Regulations.

On November 18, 2005, KCA filed a timely motion for reconsideration and rehearing. KCA asserted two reasons for its motion: (1) KCA observed that in the finished building, the area characterized in the drawings as attic space was at least partially open, and therefore was more properly characterized as a "mezzanine" or a "balcony" than as an "attic"; and (2) the Office of Zoning, in response to a request by KCA, could not locate a copy of the Zoning Commission order rezoning the area from R-5-B to R-5-D, and therefore the property was improperly classified as being in the R-5-D district.

For the reasons discussed below, the Board denies the motion.

The Zoning Regulations provide that "no request for rehearing shall be considered by the Board unless new evidence is submitted that could not reasonably have been presented at the original hearing." 11 DCMR § 3126.6.

KCA had ample opportunity to raise the issue of whether the attic was properly characterized as a mezzanine or balcony at the many hearings held in this case. KCA made several arguments and presented extensive evidence on the issue, but its arguments were rejected by the Board.

KCA also had the opportunity to raise the issue of the Zoning Map's accuracy at the hearings, but failed to do so until after the Board issued its final decision in the case.

The Board therefore denies KCA's motion for rehearing.

A motion for reconsideration must specifically state in what way the Board's decision is erroneous, the grounds for reconsideration, and the relief sought. 11 DCMR 3126.4. It is well settled that motions for reconsideration may not be used to re-litigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment. *Lightfoot v. District of Columbia*, 355 F.Supp.2d 414, 421 (D.D.C. 2005) (citing 11 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* § 2810.1 at 127-28 (2d ed. 1995)).

As pointed out above, KCA had the opportunity to present evidence about the attic space at the hearings in this case. KCA did, in fact, present evidence and arguments about the proper characterization of the space, but the Board did not find these arguments persuasive.

Moreover, the information underlying KCA's latest assertion that the space is not an attic is irrelevant to the appeal. KCA asserts that observations made from the outside of the constructed building support its contention that the space is not an attic. At issue in the appeal is whether the Zoning Administrator erred in issuing the contested building permits, not whether the building as constructed, violates the Zoning Regulations. Therefore, the "new information" presented by KCA in their motion is not of consequence to this proceeding.

The Board therefore rejects KCA's first basis for its motion for reconsideration.

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BZA APPEAL NO. 17109-A  
PAGE NO. 3

The next issue is KCA's assertion that the Board should grant the appeal because the Office of Zoning could not produce the Zoning Commission Order changing the zoning designation for 1819 Belmont Street and adjacent parcels from R-5-B to its current R-5-D designation, and that the Zoning Map is therefore inaccurate. KCA claims that the Board should apply the R-5-B zoning designation instead.

KCA had the opportunity to raise the issue of the Zoning Map's accuracy at the hearings, but failed to do so until after the Board issued its final decision in the case. KCA's failure to raise this issue before the Board issued a final order alone is sufficient to justify denying the motion for reconsideration.

It is undisputed that the Zoning Map shows the property is located in the R-5-D Zone District. It is not error for the Zoning Administrator to process a building permit application in accordance with that designation. If the current zoning map is in error, it may only be corrected by a rulemaking process initiated by the Zoning Commission.

The Board therefore rejects KCA's second basis for its motion for reconsideration.

Accordingly, the Board **DENIES** KCA's motion for partial reconsideration and rehearing.

**VOTE:**                    5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr.,  
John A. Mann II and John G. Parsons to deny the motion for  
partial reconsideration and rehearing)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring Board member approved the issuance of this order.

**FINAL DATE OF ORDER:** APR 04 2006

PURSUANT TO 11 DCMR § 3125.6, THIS DECISION AND ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17312-A of Washington International School**, pursuant to 11 DCMR § 3104.1, for a special exception under section 206 (Private Schools), to construct an addition of approximately 28,000 square feet to an existing building, consisting of a library, a theater and classroom space, and pursuant to 11 DCMR § 3103.2, for a variance under subsection 2117.4, from the requirement that each required parking space be accessible at all times directly from improved streets or alleyways via graded and unobstructed private driveways in the R-1-A District at premises 3100 Macomb Street, N.W. (Square 2084, Lot 837).

**DECISION DATE:** January 10, 2006

**DECISION AND ORDER  
ON  
REQUEST FOR MODIFICATION OF PLANS<sup>1</sup>**

By order dated June 6, 2005, the Board of Zoning Adjustment ("Board") approved Application No. 17312, of Washington International School ("Applicant"), including the plans submitted with that application. By letter dated December 19, 2005, the Applicant requested permission of the Board to modify those plans. After reviewing the documentation submitted with the Applicant's request, at its January 10, 2005 public meeting, the Board voted 4-0-1 to approve the request for modification.

**FINDINGS OF FACT**

1. By order dated June 6, 2005,<sup>2</sup> the Board approved Application No. 17312, of Washington International School, including the plans submitted with that application.
2. By letter dated December 19, 2005, more than 6 months after the date of the final order, the Applicant submitted a request to modify those plans. *See*, 11 DCMR § 3129.3.
3. With its December 19, 2005 letter, the Applicant submitted the old, already-approved plans, and the new plans, showing the modifications proposed. *See*, Record Exhibit No. 49, with Attached Exhibit A (old plans) and Attached Exhibit B (new plans).
4. At its public meeting on January 10, 2006, the Board waived the 6-month requirement of 11 DCMR § 3129.3 and decided to accept, and address, the Applicant's request.

<sup>1</sup>This Order is an addendum to Board of Zoning Adjustment Order No. 17312. All provisions of Order No. 17312 remain in effect except as specifically modified herein.

<sup>2</sup>The Applicant's December 19, 2005 letter states that the date of the final order was May 3, 2005. Either way, the request for modification of plans was submitted after the 6-month period had run.



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5. The plan modifications requested by the Applicant are as follows:
  - a. Relocation approximately 7 feet to the north of the parking spaces along the northern edge of the service drive, as well as relocation of the refuse service area from the middle of this parking area to its western edge, adjacent to the Arts and Athletic Center. These changes are necessitated by a widening of the service drive to the north of the Carriage House and Middle School Buildings, as required by the District of Columbia Fire and Emergency Medical Services Department. ("DCEMS")
  - b. Elimination of the parking deck and covered parking area, which were to be located between the Carriage House and the Arts and Athletic Center, and replacement with retention of the existing drive aisle and provision of 24 parking spaces, including 6 "stacked" spaces, which were approved in the original order. This modification is necessitated by the prohibitive cost of the original design.
  - c. Rearrangement of the parking area within the courtyard of the Carriage House to allow better access for emergency service vehicles, as required by DCEMS.
  - d. Removal of the trellis which would have been located to the west of the Gardener's Cottage and replacement with a stairway to the basement to improve basement access.
6. There will be no change in the number of parking spaces provided due to the modifications.
7. There was no opposition to the modifications voiced by any person or organization.

#### CONCLUSIONS OF LAW

The Board, after reviewing the Applicant's written submission and plans, as required by 11 DCMR § 3129.5, concludes that the modifications requested are minor and do not change the material facts upon which the Board relied in approving the application. *See*, 11 DCMR § 3129.7. Therefore, the Board concludes that the Applicant's request for permission to modify its plans, as set forth above, meets the requirements set forth in the regulations for a minor modification and it is hereby **ORDERED** that the application is **GRANTED**.

**VOTE:** 4-0-1 (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann II and John G. Parsons to grant; Curtis L. Etherly not voting, not having participated)

#### BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT.

Each concurring Board member has approved the issuance of this Order.

**FINAL DATE OF ORDER:** APR 04 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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BZA APPLICATION NO. 17312-A

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17384 of the Embassy of the Republic of Moldova**, pursuant to § 1002, to permit the replacement of wooden windows with vinyl windows in the C-3-C District at premises 2101 S Street, N.W. (Sheridan-Kalorama Historic District) (Square 2532, Lot 37).

**NOTICE OF FINAL RULEMAKING  
and  
DETERMINATION AND ORDER**

The Board of Zoning Adjustment (Board") pursuant to the authority set forth in section 206 of the Foreign Missions Act ("FMA"), approved August 24, 1982 (96 Stat. 283; D.C. Official Code § 6-1306<sup>1</sup>), Chapter 10 of the Zoning Regulations of the District of Columbia (11 DCMR) hereby gives notice of the adoption of its determination not to disapprove the application of the Embassy of the Republic of Moldova ("Applicant") to replace the original wooden windows with new vinyl windows at its chancery building, located at premise 2101 S Street, N.W. (Square 2532, Lot 37).

Procedural Background

On July 15, 2005, the Applicant filed a chancery application with the Board<sup>2</sup>. Pursuant to 11 DCMR § 3134.7, the application was supported by a June 14, 2005 letter from the United States Department of State certifying that the Applicant had complied with § 205 of the Foreign Missions Act ("FMA") (22 U.S.C. § 4305) and that the application could be submitted to the Board.

Notice of the filing of the application and notice of the proposed rulemaking were published in the *D.C. Register* on July 29, 2005, at 52 DCR 7157 and 52 DCR 7037, respectively. In accordance with the Zoning Regulations, the Board provided written notice to the public more than 40 days in advance of the public hearing. 11 DCMR §§ 3113.13 and 3134.9(c). Therefore, in compliance with the D.C. Administrative Procedure Act (D.C. Official Code §§ 2-501, *et seq.*), the Board also provided more than thirty days' written notice to the public.

On July 21, 2005, OZ provided notice of the filing of the application to the Director of the District of Columbia Historic Preservation Review Board ("HPRB"), the U.S. Department of State, the D.C. Council Member for Ward 2, Advisory Neighborhood Commission ("ANC") 2D, the ANC within which the subject property is located, the Single Member District member for

<sup>1</sup>The section § 206 is codified at both 22 U.S.C. § 4306 and D.C. Official Code § 6-1306 (2001). For ease of reference, the D.C. Code section will be cited herein.

<sup>2</sup>On June 16, 2005, the Applicant had filed with the Board an appeal of the decision of the staff of the Historic Preservation Review Board denying the Applicant permission to replace windows in its chancery building. The Applicant's appeal was returned to the Applicant by the Office of Zoning ("OZ") because it was not based on a zoning map or regulation, the only type of appeal over which the Board has jurisdiction. *See*, D.C. Official Code §§ 6-1306(c)(1) and 6-1306(d) (2001). *See also*, The Zoning Act of 1938, 52 Stat. 797, 800 (1938); D.C. Official Code § 6-641.07(g)(1) (2001). (Board can hear appeals of decisions made in the "carrying out and enforcement" of the Zoning Regulations.)

District 2D02, and the District of Columbia Department of Transportation and Office of Planning ("OP").

The Office of Zoning subsequently scheduled a hearing on the application for October 18, 2005, and mailed a copy of the notice of hearing to the Applicant, ANC 2D, and all property owners within 200 feet of the subject property. Notice of the hearing was also published in the *D.C. Register* on July 29, 2005, at 52 DCR 6959, and posted in the Office of Zoning. In addition, on December 3, 2005, the Applicant posted, in plain view of the public, three zoning placards on the property affording notice of the hearing, in accordance with 11 DCMR § 3113. The notice given to the public complied with the requirements of 11 DCMR § 3134.9.

By letter dated October 11, 2005, the Applicant requested a postponement of the hearing date due to unavoidable conflicts. At the scheduled October 18, 2005 hearing, the Board announced a new hearing date of December 6, 2005. The hearing was held and concluded on that date, but the record was held open for several submissions requested by the Board, and a decision date set for December 20, 2005. On December 20, 2005, at a special public meeting, the Board voted 5-0-0 to not disapprove the application.

#### The Subject Property and History of the Applicant's Proposal

The property that is the subject of this application is located at 2101 S Street, N.W. in a C-3-C zone district and in the Sheridan-Kalorama Historic District. It is developed with a Beaux-Arts style limestone-block five story building constructed in 1896 as a residence, but used as a chancery for many years. The building has two rounded bays, going up all five stories, on either side, with a flat area in the center where the front door is located. The windows on the second floor in the rounded bays are curved to match the curve of the bay. There is also a pair of muntined French doors on the second story. The building is a contributing building to the Sheridan-Kalorama Historic District and the surrounding area is developed with a mix of uses, including apartment, hotel, retail, and office uses.

The windows in the subject building, including their frames, sashes, and moldings, are in very poor condition, and allow cold (or hot, depending on the season) air to enter the building, causing discomfort to its occupants, and higher costs to the Applicant. Therefore, in or around September, 2004, the Applicant hired a contractor to replace the seriously deteriorated windows and their attendant elements.

Apparently, however, the Applicant was unaware that a permit would be required for the work. Work was begun without a proper permit, and on November 17, 2004, the Department of Consumer and Regulatory Affairs ("DCRA") issued a Stop Work Order, bringing the window replacement to a halt. At this point in time, the window replacement was nearly completed for the third through fifth floors, but the replacement windows had vinyl frames, rather than wooden frames, as the originals had had. Also at this point in time, the component parts were custom manufactured for the windows on the first and second floors, but they had not yet been installed.

In order to permit the window replacement to continue, on April 11, 2005, the Applicant filed for the necessary permit. The Applicant also worked with the staff of the Historic Preservation

Office ("HPO") to try to reach a workable compromise whereby it would be able to retain the already-installed replacements on the third through fifth floors and use the already-manufactured components for the first and second floors, while maintaining the historic integrity of the building.

Complete window replacement with wooden windows as similar as possible to the originals was financially infeasible for the Applicant. After working with the HPO staff, it received three estimates for this work, ranging from \$61,500 to \$85,426. An amount in this range is approximately 25% of the Embassy's entire annual budget. The Applicant was in a quandary because by at least early 2005, the Applicant had already paid in full for the already-contracted-for window replacement, the custom-made windows could not be returned, and the Applicant could not get further funds to re-do the work.

On May 26, 2005, the HPRB staff issued its report recommending denial of the Applicant's application for a permit to retain the newly-installed upper floor windows and continue replacing those on the first two floors. The report opined that the replacement windows were inconsistent with the HPRB's window standards, outlined at 10A DCMR, Chapter 23, and were incompatible with historic wooden windows in the Historic District. Of particular concern were the curved windows in the bays, particularly on the second floor, which are perhaps the most distinctive on the building, and the most likely to be noticed by pedestrians along the street frontage.

The Applicant then applied to this Board for permission to retain and complete its window replacements as proposed. At the Board hearing on December 6, 2005, the Office of Planning recommended denial of the application, stating that the replacement windows do not meet the window standards at 10A DCMR, Chapter 23. The Department of State, however, recommended approval of the application, stating that such approval would fulfill the international obligation of the United States and would serve the federal interest.

At the close of the hearing, the Board left the record open for further submissions from the Applicant and OP. The Applicant submitted an extensive narrative of all the work already performed and the work proposed. The narrative was accompanied by a photograph of the building, with each window numbered, and corresponding attachments showing the original and replacement window specifications, with detailed renderings of each, and a table of the proposed modifications. Most importantly, however, the Applicant informed the Board that it had reached an agreement with its contractor to restore the curved windows and the French doors on the second story "in kind" at minimal expense to the Applicant. In a December 18, 2005 Supplemental Report, OP noted that the "in kind" restoration of the second floor windows and French doors was an improvement over the initial proposal to replace these windows/doors with vinyl-framed replacements.

#### Evaluation of the Request

D.C. Official Code § 6-1306(d) directs the Board to consider six factors when analyzing a chancery application. These factors are: (1) the international obligation of the United States, (2) historic preservation, (3) adequacy of off-street parking and proximity to public transportation, (4) the extent to which the area can be adequately protected, (5) the municipal interest, and (6)

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the federal interest. At the December 20, 2005 decision meeting, the Board considered the six factors, as set forth below, and voted not to disapprove the application.

First, as recommended by the Secretary of State, favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure facilities by the Republic of Moldova for its diplomatic mission in the Nation's Capital.

Second, the Board determines that the Applicant's final plans to replace the windows on its chancery, including the "in kind" restoration of the curved second floor windows and the French doors, is compatible with the Sheridan-Kalorama Historic District and substantially complies with District of Columbia and federal regulations governing historic preservation. The Board is mindful that the use of vinyl components may not meet the letter of the historic preservation regulations, but taking into account all the circumstances surrounding this application, the Applicant's window restoration and replacement substantially complies with historic preservation guidelines.

The new windows on the three upper floors are reasonable and appropriate replacements for the original windows. Although the new windows on the first and third through fifth floors have vinyl sashes and panning, rather than wood, they are compatible with the appearance of the building and the streetscape. They do not detract from the character of the building or the historic district within which it is situated. Photographs of the building and those surrounding it clearly demonstrate that the windows are harmonious with the area and do not cause any sense of discord with the characteristics of the historic district.

The "in kind" restoration of all windows (and doors) on the second floor, most visible from the street and most notable for their historic bowed character, will not alter these windows in any way. The original wooden frames and sashes will be fully restored and rebuilt and then put back in place. The original bowed glass will be removed from the windows, reglazed, and replaced within the newly-restored frames. With respect to the French doors, they will be replaced "in kind" with wooden components and cut glazing between the muntins. This approach represents a workable solution to the problem of economically maintaining the authenticity and historic compatibility of the second floor windows.

The third criterion to be considered by the Board, pursuant to the FMA, is adequacy of parking. This criterion does not come into play in this application.

Fourth, the Secretary of State has determined that the subject building and the surrounding area continue to be capable of being adequately protected.

Fifth, the Board determines that granting the application will be consistent with the municipal interest. Chanceries are an important part of the municipal fabric of the District and they need to be maintained in good, usable condition. It does not serve the municipal interest to force the small workforce of a small chancery to work in discomfort and to forego meetings because its home government cannot afford to replace the chancery windows with wooden replacements. It is in the municipal interest to work with foreign missions, particularly those representing smaller or more impoverished nations, to make them feel welcome in the District. Further, while OP

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was not supportive of the Applicant initially, it agreed that the Applicant's final resolution concerning the "in kind" replacement of the second floor elements was "certainly an improvement over the initial proposal."

Sixth, the Secretary of State has determined that a favorable decision on this application will serve the federal interest, particularly as the government of Moldova has been helpful to the United States Embassy in its diplomatic property needs.

**At its executive session on DATE, the Board took final action to adopt this order. Accordingly, it is hereby ORDERED that this application is NOT DISAPPROVED.**

**Vote:** The Foreign Missions Board of Zoning Adjustment voted at its public meeting on December 20, 2005, to not disapprove the application: **5-0-0** (Geoffrey H. Griffis, Patricia Gallagher, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John G. Parsons, to not disapprove).

**BY THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** APR 03 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION,

FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17445 of Abigail Parker**, pursuant to 11 DCMR § 3104.1, for a special exception to establish a child development center (50 children and 7 staff) under section 205, in the R-2 District at premises 2907 7<sup>th</sup> Street, S.E. (Square 5951, Lot 40).

**HEARING DATE:** April 4, 2006

**DECISION DATE:** April 4, 2006 (Bench Decision)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8C, which is automatically a party to this application. ANC 8C submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support in this application of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under section 205. The applicant proposes to have a total of 50 children – 20 infants and 30 children preschool to 12 years old. There will be a total of seven (7) staff members and the hours of operation are to be from 7:00 a.m. to 6:00 p.m., Monday through Friday. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED SUBJECT** to the **CONDITION** that approval shall be for a period of **TEN (10) YEARS**.

**VOTE:**      **5-0-0** (Carol J. Mitten, Curtis L. Etherly, Jr., John A. Mann II, Ruthanne G. Miller and Geoffrey H. Griffis to grant)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** **APR 07 2006**

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITION IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17450 of James Fife and Catherine McCulloch**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403) and nonconforming structure provisions (subsection 2001.3) in the R-4 District at premises 614 A Street, N.E. (Square 867, Lot 97).

**HEARING DATE:** March 21, 2006

**DECISION DATE:** April 4, 2006

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Board also received support letters from the Capitol Hill Restoration Society and the Stanton Park Neighborhood Association.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:** 4-0-1 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., and John A. Mann II, to approve, Anthony J. Hood participating in the hearing but not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** April 4, 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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